

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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TRADE WELL INTERNATIONAL,
A Pakistan Corporation,

Plaintiff,

Case No. 12-cv-701-WMC

and

DELLS LODGING OPERATOR, INC. and
DELLS ESTATE LLC,

Involuntary Plaintiffs,

v.

UNITED CENTRAL BANK, a
Texas Corporation,

Defendant.

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AMICUS BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR DEFAULT

NOW COMES, a third-party person with interest in this action, Maurice J. Salem, (“Salem”) an Attorney at Law, who submits this Amicus Brief in Opposition to Defendant’s Motion for Default on the Counterclaim against Plaintiff.

1. Salem was the attorney of record for the Plaintiff herein, until this Court removed him by order dated, April 4, 2014, (Dkt. #71). The Plaintiff is a Pakistani corporation and currently Salem is its only agent in this country who is authorized to act on its behalf.

2. Salem has consulted with four law firms in Madison and over ten independent attorneys in Wisconsin and Illinois to takeover his representation of Plaintiff. The attorneys who initially express interest in representing Plaintiff, change their minds after reviewing the case. See Salem’s Declaration (Dkt. #92).

3. Salem filed a motion for extension of time to find new counsel for Plaintiff. (Dkt. #91), but it was denied, (Dkt. #93). Plaintiff and Salem are currently making a diligent

effort to find new counsel under difficult circumstances. It has been very difficult in finding an attorney admitted to this Court, who would takeover the representation of Plaintiff from an attorney held in contempt by a Judge who “invited” the Defendant to file a counterclaim. (Dkt. #92).

4. Defendant’s counsel alleges in his Affidavit in Support of this Motion that Plaintiff failed to plead a defense to the Counterclaim (Dkt. 96). However, Plaintiff’s failure to plead is based on this Court removing its counsel. Since it is possible that this Court may have wrongfully removed Plaintiff’s counsel, then this Motion and this action should be suspend pending appeal of this Court’s order removing Plaintiff’s counsel.

5. Salem’s Brief in the US Court of Appeal, for the Seventh Circuit, which explains the legal and factual errors this Court made in removing Salem is attached hereto for this Court’s review, in the hope that it will change its mind and either deny this Motion or suspend this action pending the appeal.

6. Finally, this Motion should not be granted because Defendant’s service of process of the Counterclaim on Plaintiff was defective. Article 2 of the *1965 Hague Service Convention*, which was first executed in November 1965, was intended to create an internationally recognized procedure for serving process on foreign defendants in civil lawsuits. Under the Hague Service Convention, signatory countries are entitled to create or designate a Central Authority to receive requests from litigants to serve process on parties that reside in the signatory countries. Pakistan is a signatory to the 1965 Hague Service Convention. Thus, service of process by mail (Dkt. 98) on Plaintiff in Pakistan was defective.

WHEREFORE, on the basis of the foregoing, it is respectfully requested that this Court deny Defendant's motion for default on the Counterclaim and either give more time for Plaintiff to find new counsel or suspend this action pending appeal, together with such other and further relief this Court deems just and proper.

Dated: July 10, 2014,

Respectfully submitted,

/s/Maurice J. Salem,
Attorney at Law
7156 W. 127th Street, B-149
Palos Heights, IL. 60463
Tel. (708) 277-4775
Fax (708) 357-4029
salemlaw@comcast.net

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2014, a copy of the foregoing Amicus Brief in Opposition of Defendant's Motion for Default was served on the all attorneys of record through electronic means.

/s/Maurice J. Salem